

United States District Court

for the
Western District of New York



United States of America

v.

Case No. 24-mj- **5023**

JESHUA LION MYERS a/k/a Dually

Defendants

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about December 20, 2023, in the Western District of New York and elsewhere, the defendant JESHUA LION MYERS a/k/a Dually, did knowingly and intentionally attempt to ship, transport, transfer, cause to be transported, and otherwise dispose of a firearm, to wit:

- Sig Sauer P320, bearing serial number 58A112482
- Geisler with Red Slide, no serial number
- Glock 23, bearing serial number BTET028
- Springfield Armory, bearing serial number GM983670
- Glock 22, bearing serial number UCF702
- Springfield Armory XD, bearing serial number XD403726
- Geisler with Yellow Trigger, no serial number
- Glock 43x, bearing serial number AGDV941
- Glock 26, bearing serial number AFPL572
- Glock 30, bearing serial number XRN700
- Glock 43x, bearing serial number BZLE456
- Smith and Wesson MP45, bearing serial number MRD1135
- Glock 30, bearing serial number WAM788
- Sig Sauer P320, bearing serial number 58K054610
- Glock 21, bearing serial number PEZ648
- Geisler with Gold Slide, no serial number
- Springfield Armory XD, bearing serial number BB250873
- Keltec Rifle, bearing serial number T1M46
- MMC ARMORY, bearing serial number A04193

to another person in or otherwise affecting interstate or foreign commerce, having reasonable cause to believe that the use, carrying, and possession of the firearm by the other person would constitute a felony.

All in violation of Title 18, United States Code, Sections 933(a)(1) and 933(a)(3).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

ANDREW J
HEITZHAUS

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ANDREW J HEITZHAUS
Date: 2024.02.13 10:03:16
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Complainant's signature

ANDREW J. HEITZHAUS
Special Agent
Homeland Security Investigations

Printed name and title

Subscribed and sworn to telephonically.

Date: February 13, 2024


Judge's signature

City and State: Buffalo, New York

HONORABLE MICHAEL J. ROEMER
United States Magistrate Judge

Printed name and title

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

ANDREW J. HEITZHAUS, being duly sworn, deposes and states:

1. I am employed as a Special Agent (“SA”) with the U.S. Department of Homeland Security, Immigration and Customs Enforcement (“ICE”), Homeland Security Investigations (“HSI”), and have been since September 2020. I am currently assigned to the HSI Buffalo Border Enforcement and Security Taskforce (“BEST”), an HSI-sponsored law enforcement task force comprised of local, state, federal, and Canadian law enforcement officers co-located in Buffalo, New York and tasked with combatting transnational criminal organizations (“TCOs”) exploiting vulnerabilities of the shared international border. As such, I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

2. I make this affidavit in support of a criminal complaint charging **JESHUA LION MYERS a/k/a Dually** with violating Title 18, United States Code, Section 933 (Trafficking in Firearms) that occurred on December 20, 2023 in Dunkirk, New York. This affidavit is based upon my knowledge of the investigation and upon information that I

received from other law enforcement officers, and witnesses. Because this affidavit is offered for the limited purpose of securing a criminal complaint, it does not contain all the information obtained during the course of the investigation.

PROBABLE CAUSE

3. **JESHUA LION MYERS a/k/a Dually**, is a dual United States and Canadian citizen residing in both Canada and Florida. **MYERS** informed an undercover Canadian law enforcement officer that he could fulfill large orders of firearms which he would source out of the United States and import into Canada. **MYERS** told the undercover officer (hereinafter, “the UC”) that he would travel to Florida in December 2023 to acquire firearms from various stores and websites. **MYERS** arranged with the UC to bring those firearms to the Buffalo, NY area so that the UC could acquire those firearms with the stated purpose of smuggling them into Canada.

4. In my training and experience, as well as my conversations with other law enforcement officers, including those in Canada, firearms purchased in the United States can be sold in Canada with a massive profit margin. In Canada, a national freeze on the sale, purchase, or transfer of handguns by individuals within Canada, and on bringing newly acquired handguns into Canada came into force on October 21, 2022. It has since been codified through Bill C-21. Based on conversations with other law enforcement officers, including those in Canada, the selling price of a handgun in Canada is roughly 5,500.00 CAD or \$4,000.00 USD and the selling price for an AR-style rifle is roughly 8,000.00 CAD or \$6,000.00 USD.

5. It is a felony, as defined in Title 18, United States Code, Section 932(a), to smuggle goods out of the United States. Specifically, Title 18, United States Code, Section 554 is a felony punishable by more than one year that prohibits such smuggling.

6. On December 6, 2023, **MYERS** flew from Toronto, Canada to Fort Lauderdale, Florida. On December 7, 2023, **MYERS** provided the UC with the phone number 954-297-8411. On December 8, 2023, the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge in the Western District of New York, authorized a warrant for HSI to obtain prospective location information from the cellular device with that number.

7. On December 18, 2023, the UC spoke to **MYERS** via a third-party messaging application associated with that same telephone number. **MYERS** informed the UC that he was in Pennsylvania and about one hour and forty minutes from Buffalo. The UC informed **MYERS** that the deal for the firearms would be conducted on Wednesday December 20, 2023. On December 20, 2023, HSI Buffalo BEST coordinated a controlled purchase of 19 firearms from **MYERS** for \$33,000. These firearms included:

- Sig Sauer P320, bearing serial number 58A112482
- Geisler with Red Slide, no serial number
- Glock 23, bearing serial number BTET028
- Springfield Armory, bearing serial number GM983670
- Glock 22, bearing serial number UCF702
- Springfield Armory XD, bearing serial number XD403726
- Geisler with Yellow Trigger, no serial number
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- Glock 30, bearing serial number WAM788
- Sig Sauer P320, bearing serial number 58K054610
- Glock 21, bearing serial number PEZ648
- Geisler with Gold Slide, no serial number
- Springfield Armory XD, bearing serial number BB250873
- Keltec Rifle, bearing serial number T1M46
- MMC ARMORY, bearing serial number A04193

In addition to the above, **MYERS** also provided assorted magazines, .308 ammunition, 9mm ammunition, and other weapons components. The firearms are further depicted in the photograph below:



8. The UC explained to **MYERS** that he would smuggle these firearms into Canada where they would be sold illegally. According to records checks done by Canadian task force officers assigned to HSI BEST, **MYERS** does not have a possession and acquisition license to possess or transfer firearms into or within Canada.

9. Shortly after this purchase, **MYERS** reached back out to the UC to inquire about the UC's interest in purchasing additional firearms. **MYERS** also made arrangements

with the UC to meet him in Miami, Florida to purchase additional firearms to be smuggled back to Canada.

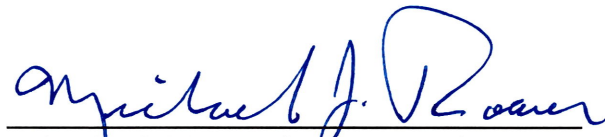
WHEREFORE, based on the foregoing, your affiant respectfully submits that probable cause exists to believe that **JESHUA LION MYERS a/k/a Dually** has violated Title 18, United States Code, Sections 933 (Trafficking in Firearms).

ANDREW J
HEITZHAUS

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ANDREW J HEITZHAUS
Date: 2024.02.13
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ANDREW J. HEITZHAUS
Special Agent
Homeland Security Investigations

Subscribed and sworn to telephonically
on this 13th day of February, 2024.



HONORABLE MICHAEL J. ROEMER
United States Magistrate Judge